THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 21844 OF 1997

Dated 14th February, 2007

Between:

Smt. Babbepalli Lolakshi

… Petitioner

And

The District Collector,
Krishna District at Machilipatnam
and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a writ of mandamus to declare the action of the respondents in not implementing the orders of the Settlement Officer, Eluru, dated 30.4.1981 as illegal and arbitrary and consequential directions to that effect.

Boravancha village in Nuzvid taluk of Krishna District is an Inam Estate taken over by the Government under the provisions of the Estates Abolition Act, 1948. The petitioner herein had applied for grant of ryotwari patta in respect of the land covered R.S.No. 69/1 correlated to O.S.No. 575 of the said village in an extent of Ac.7-40 cents. The primary authority i.e. Settlement Officer, Eluru had conducted enquiry into the matter and by recording a finding that the petitioner got the claim land by virtue of the registered sale-deed dated 20.4.1977, ordered for the issuance of ryotwari patta under Section 15(1) of the Estates Abolition Act, 1948. Consequent to the issuance of the patta, the petitioner made application before the concerned Mandal Revenue Officer i.e. second respondent herein to make necessary entries in the revenue records in view of the patta granted to her under the provisions of the Estates Abolition Act. Firstly, the application was filed on 27.4.1989 and thereafter further representations were made on 15.12.1995 and 29.4.1997. On the ground that in spite of the repeated applications, no action was taken by the concerned Mandal Revenue Officer, the petitioner approached this court by filing this writ petition.

In the counter affidavit filed on behalf of the respondents, it is stated that the land in question, which is subject matter of the patta issued to the petitioner was classified as Donka and as such, the

petitioner was not entitled for grant of patta. It is submitted that as against the orders of the Settlement Officer, the concerned Tahasildar preferred appeal with an application for condonation of delay to the appellate Tribunal under the Estates Abolition Act and the same was dismissed on 3.3.1986 in T.I.A. No.25 of 1985. By pleading that the subject land is a poramboke land and disputing the claim of the petitioner for grant of patta, the respondents sought for the dismissal of writ petition.

A perusal of the order passed by the Settlement Officer indicates that on raising such objections, enquiry was conducted and based on the evidence on record, orders were passed granting patta to the petitioner in respect of the land in R.S.No. 69/1 correlated to O.S.No. 575 of the Boravancha village in Nuzvid taluk of Krishna District in an extent of Ac.7-40 cents. Though appeal was preferred against the said order, the same was dismissed. By virtue of the same, the order passed by the Settlement Officer has become final. In view of the finality attained to the order passed by the Settlement Officer granting patta to the petitioner under the provisions of the Estates Abolition Act, it is not open for the respondents again to dispute the entitlement of the petitioner to the patta. As much as it is not disputed about the filing of the application by the petitioner before the second respondent- Mandal Revenue Officer for implementation of the order by making necessary entries in the revenue records, I dispose of the writ petition directing the second respondent to implement the orders dated 30.4.1981 by making necessary changes in the revenue records as per the provisions of the Record of Rights in Land and Pattadar Passbooks Act and communicate the same to the petitioner within a period of two months from the date of the receipt of a copy of this order.

Subject to above directions, the writ petition is disposed of.

No costs.

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14.2.2007

R.SUBHASH REDDY, J.

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